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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 LEO DURDEN,

7 Plaintiff,

8 v.

9 GEICO ADVANTAGE INSURANCE
10 COMPANY,

11 Defendant.

C17-651 TSZ

MINUTE ORDER

12 The following Minute Order is made by direction of the Court, the Honorable
13 Thomas S. Zilly, United States District Judge:

14 (1) Defendant's Motion for Summary Judgment re Coverage Exclusion for
15 Racing, docket nos. 54, 63, is DENIED. Genuine disputes of material fact exist regarding
16 whether Plaintiff was "racing" at the time of the automobile accident in question.

17 (2) Plaintiff's Motion for Partial Summary Judgment to Strike Affirmative
18 Defense re: Racing, docket no. 66, is DENIED. Even under the narrow definition of
19 "racing" advanced by Plaintiff, disputed material facts preclude summary judgment.
20 Defendants offer the testimony of numerous eye-witnesses to the events surrounding the
21 accident, all of whom believe that Plaintiff was racing at the time of the crash,
22 notwithstanding his testimony to the contrary.

23 (3) The parties are directed to mediate by January 15, 2019, pursuant to
LCR 39.1(c).

(4) The Clerk is directed to send a copy of this Minute Order to all counsel of
record.

Dated this 17th day of December, 2018.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk